

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DENTSPLY INTERNATIONAL INC.,

Plaintiff,

- against -

ORDER  
08-CV-01931 (RRM) (SMG)

OMNI DENTAL SUPPLY INC.,

Defendant.

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MAUSKOPF, United States District Judge.

By Motion filed July 29, 2009, Plaintiff Dentsply International Inc. moved for entry of a Default Judgment against Defendant Omni Dental Supply Inc. By Order entered September 25, 2008, this Court referred that motion to the assigned Magistrate Judge, the Honorable Steven M. Gold, for a Report and Recommendation. On October 12, 2009, Chief Magistrate Judge Gold issued a Report and Recommendation (the "R&R"), recommending that Plaintiff's motion be granted, that a permanent injunction issue against Defendant in the form proposed by Plaintiff, and that judgment be entered for Plaintiff against Defendant in the amount of \$23,937.06 in attorney's fees and \$2,010.04 in costs. Chief Magistrate Judge Gold ordered the parties, pursuant to Rule 72(b), to file any objection to the R&R by October 29, 2009. Neither party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

**CONCLUSION**

Accordingly, Plaintiff's motion for Default Judgment is GRANTED, and Plaintiff is entitled to the entry of a permanent injunction, and an award of attorney's fees and costs, against Defendant as follows:

It is hereby ORDERED that Defendant, Omni Dental Supply Inc., and its successors or assigns, and its divisions, subsidiaries, officers, directors, agents, servants, employees, attorneys, licensees, affiliates, and all persons in active concert or participation with it and/or who aid and abet or facilitate Defendant's conduct, who receive actual notice of the Court's Order by personal service or otherwise, are hereby PERMANENTLY ENJOINED from:

- 1) Making any present or future use of Dentsply's distinctive MIDWEST® trademark, any imitation thereof, and any other trademark(s) or logo(s) substantially or confusingly similar thereto;
- 2) Using, displaying, and/or facilitating the use of the "MIDWEST" trademark, or any word or logo that is confusingly similar to the "MIDWEST" trademark, on any internet website or on any written or promotional materials;
- 3) Engaging in any other activity constituting an infringement or dilution of any of Dentsply's rights in the "MIDWEST" trademark; and
- 4) Making any false and/or misleading statement that misrepresents the nature, quality, or characteristics of Defendant's dental products or commercial activities; and it is further

ORDERED that judgment be entered for Plaintiff against Omni Dental Supply Inc. in the amount of \$23,937.06 in attorney's fees and \$2,010.04 in costs, for a total award of \$25,947.10.

The Clerk of Court shall enter judgment in a manner consistent with this Order.

SO ORDERED.

s/ RRM

Dated: Brooklyn, New York  
November 4, 2009

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ROSLYNN R. MAUSKOPF  
United States District Judge